

## **CHAPTER 7**

### **VIOLATIONS AND ENFORCEMENT**

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#### **15-7-101 Legal Action**

The Zoning Administrator, or his designee, shall be empowered to institute any appropriate action or proceeding in any case where any sign is erected, constructed, reconstructed, altered, repaired, converted, maintained, or used in violation of this Title or the City Building Regulations or Zoning Ordinance. The purpose of such action shall be to prevent such unlawful uses and restrain, correct, or abate the violations. Legal actions may include:

- (1) Issuing a notice of violation to the person having charge, control, or benefit of any sign found to be unsafe, dangerous, or in any violation of a City Ordinance;
- (2) Issuing of citations and/or swearing out complaints against violators of this Title or causing such citations or complaints to be issued; or
- (3) Impounding illegal signs and assessing an impound fee for their return.

#### **15-7-102 Violations**

- (1) If it is determined that a violation of this Title exists, the Zoning Administrator shall issue a written order to the alleged violator. The order shall specify those sections of the City Ordinances of which the individual may be in violation and shall state that the individual has fifteen (15) days from the date of the order in which to correct the alleged violation or to appeal to the Board of Adjustment.

(2) The following provisions shall govern the treatment of abandoned signs:

(a) If, upon inspection, it is found that a sign is abandoned or structurally, materially, electrically, or otherwise defective, in such a way as to endanger the public, the Zoning Administrator shall issue a written order to the owner of the sign, and/or the occupant of the premises, stating the nature of the violation and requiring the repair or removal of the sign within fifteen (15) days of the date of the order.

(b) signs shall be considered abandoned and subject to removal pursuant to the procedures of this Section under any of the following circumstances:

i. Where a sign is not kept in good condition, adequately repaired and maintained at all times; the standard for adequate repairs is that the repairs shall be at least equal to the quality and design of the original work in manufacturing and installing the sign, reasonable wear and tear excepted;

ii. Where a sign pertains to activities or occupants that are no longer using the premises on which it is located, and it has not been removed or the sign copy changed within thirty (30) days after the associated enterprise or occupant has vacated the premises; or

iii. Where the sign concerns a specific event and five (5) days have elapsed since the occurrence of that event.

(3) In cases of emergency, or an identified hazard, the Zoning Administrator may cause the immediate removal of a dangerous or defective sign, which presents a hazard to the public safety, without notice.

(4) Signs located in, or within ten feet (10') of, any public street right-of-way, and determined to be in violation of the provisions of this Title, may be impounded at any time.

#### **15-7-103 Penalties**

Any person, firm or corporation, association, partnership, or governmental instrumentality, whether as principal, agent, employee, or otherwise, violating or causing the violation of any of the provisions of this Ordinance, or failing or refusing to do some act required under this Ordinance, shall be guilty of a Class B misdemeanor. A separate offense shall be deemed to have been committed for each day that the violation occurs or continues.

#### **15-7-104 Appeals**

Appeals to the Board of Adjustment, as provided for in the Zoning Ordinance, may be made by any person aggrieved by an officer, department, or board of the City in making application for a Sign Permit.

Amended 7/17/98 - Ordinance 98-23  
Amended 11/5/03 - Ordinance 2003-51  
Amended 4/19/06 - Ordinance 2006-28  
Amended 4/21/09 – Ordinance 2009-17